



ORANGE COUNTY  
**COASTKEEPER**

EDUCATION / ADVOCACY / RESTORATION / ENFORCEMENT

3151 Airway Avenue, Suite F-110

Costa Mesa, CA 92626

Phone 714-850-1965

Fax 714-850-1592

Website [www.Coastkeeper.org](http://www.Coastkeeper.org)

May 18, 2012

**VIA CERTIFIED MAIL**

Republic Waste Services of Southern California, LLC  
Managing Agent  
1131 N. Blue Gum Street  
Anaheim, California 92806

Republic Waste Services of Southern  
California, LLC  
18500 N. Allied Way  
Phoenix, Arizona 85054

Republic Waste Services of Southern California, LLC  
Managing Agent  
2740 Coronado Street  
Anaheim, California 92806

**VIA U.S. MAIL**

C T Corporation System  
Registered Agent for  
Republic Waste Services of Southern California, LLC  
818 W Seventh St., Second Floor  
Los Angeles, California 90017

**Re: Notice of Violation and Intent to File Suit Under the Clean Water Act**

To Whom It May Concern:

I am writing on behalf of Orange County Coastkeeper ("Coastkeeper") in regard to violations of the Clean Water Act<sup>1</sup> and California's Storm Water Permit<sup>2</sup> occurring at Republic Services CVT Regional Material Recovery Facility and Transfer Station located at 1131 N. Blue Gum Street, Anaheim, California 92806 (hereinafter the "Republic Facility"). The purpose of this letter is to put the owner(s) and/or operator(s) of the Republic Facility<sup>3</sup> on notice of the violations of the Storm Water Permit occurring at the Republic Facility, including but not limited to the discharges of polluted storm water from the Republic Facility into local water bodies. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, the Republic Facility Owners and/or Operators are liable for violations of the Storm Water Permit and the Clean Water Act.

<sup>1</sup> Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

<sup>2</sup> National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ.

<sup>3</sup> The Owners and/or Operators of the Republic Facility are identified in Section I(B) below and referred to hereinafter as the "Republic Facility Owners and/or Operators."

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2. This letter is being sent to you as the responsible owner(s), officer(s), and/or operator(s) of the Republic Facility, or as the registered agent for these individuals and entities. By this letter, pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, Coastkeeper puts the Republic Facility Owners and/or Operators on notice that, after the expiration of sixty (60) days from the date of this letter, Coastkeeper intends to file an enforcement action in Federal court against the Republic Facility Owners and/or Operators for violations of the Storm Water Permit and the Clean Water Act.

## **I. Background**

### **A. Orange County Coastkeeper**

Coastkeeper is a non-profit public benefit corporation organized under the laws of the State of California with its office at 3151 Airway Avenue, Suite F-110, Costa Mesa, California 92626. Coastkeeper has approximately 2,000 members who live and/or recreate in and around the Orange County area, including the Santa Ana River Watershed. Coastkeeper is dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of Orange County area receiving waters. To further these goals, Coastkeeper actively seeks Federal and State agency implementation of the Clean Water Act, and, where necessary, directly initiates enforcement actions on behalf of itself and others.

The Republic Facility discharges polluted storm water to area storm drains, which discharge to the Santa Ana River and eventually to the Pacific Ocean (collectively "Receiving Waters"). The Republic Facility's discharges of polluted storm water degrade water quality and harms aquatic life in the Receiving Waters.

Members of Coastkeeper reside near Orange County bays, rivers, and the Receiving Waters of the Republic Facility's discharges. Members of Coastkeeper use and enjoy the Receiving Waters into which pollutants from Republic's ongoing illegal activities are discharged. Members of Coastkeeper use the Receiving Waters to fish, sail, boat, kayak, swim, hike, view wildlife, and engage in scientific study including monitoring activities. The discharge of pollutants from the Republic Facility impairs each of these uses. Further, the Republic Facility's discharges of polluted storm water are ongoing and continuous. As a result, Coastkeeper's members' use and enjoyment of the Receiving waters has been and continues to be adversely impacted. Thus, the interests of Coastkeeper's members have been, are being, and will continue to be adversely affected by Republic's failure to comply with the Clean Water Act and the Storm Water Permit.



**B. The Owners and/or Operators of the Republic Facility**

Information available to Coastkeeper indicates that Republic Services CVT Regional Material Recovery Facility and Transfer Station is the name of the facility located at 1131 N. Blue Gum Street, Anaheim, California 92806, and that Republic Waste Services of Southern California, LLC is an owner and/or operator of the Republic Facility.<sup>4</sup>

Information available to Coastkeeper indicates that the Republic Facility is 35 acres in size, and that 250,000 square feet is taken up by facilities including a 40,000 square foot waste transfer center and a 210,000 square foot processing facility, as well as administrative offices and the operations maintenance center. The Republic Facility is open seven days a week, and processes up to 6,000 tons of solid waste, recyclables, and green waste per day.

Information available to Coastkeeper indicates that Republic Waste Services of Southern California, LLC ("Republic") is a Delaware corporation, registered to do business in California. Information available to Coastkeeper indicates that Republic has an office at 18500 N Allied Way, Phoenix, Arizona 85054. Information available to Coastkeeper indicates that Republic Waste Services' registered agent is C T Corporation System located at 818 W Seventh Street, Los Angeles, California 90017.

Notice of Intent ("NOI") to obtain Storm Water Permit coverage for the facility located at 1131 North Blue Gum Street in Anaheim, California was submitted to the State Water Resources Control Board on 19 February 1992 ("1992 NOI")<sup>5</sup>. The 1992 NOI identified the Owner/Operator of the facility located at 1131 North Blue Gum Street as Taormina Industries, Inc. doing business as Anaheim Disposal/Consolidated Volume Transport. The 1992 NOI indicated that the facility at 1131 North Blue Gum Street was 11.5 acres in size, and was 90% impervious. The 1992 NOI indicated that the closest receiving water was the Santa Ana River. The 1992 NOI indicated that the type of business at 1131 North Blue Gum Street was "Solid Waste Collection, Recycling/Resource Recovery, Bulk Waste Transfer" and checked the boxes for the following industrial activities: material storage, vehicle maintenance, vehicle storage, recycling and material handling. The 1992 NOI also listed a SIC Code of 4953 (*Landfills and Land Application Sites that Receive or Have Received Industrial Wastes, Except Inactive Landfills or Land Application Sites Occurring on Federal Lands Where an Operator Cannot be Identified.*)

An NOI for Existing Facility Operators was submitted to the Regional Board on 10 November 1998 ("1998 NOI"). The 1998 NOI did not change any of the information contained in the 1992 NOI, but the additional SIC Code of 5093 (*Processing, Reclaiming, and Wholesale*

<sup>4</sup> The Annual Reports submitted to the Regional Board give the 1131 N. Blue Gum Street address for the Republic Services CVT facility. The Republic Services website, however, gives the address of 2740 Coronado Street, Anaheim California 92806 as the address for the CVT Regional Material Recovery Facilities (MRF) and Transfer Station. The Republic Services website says that Collection Service Requests should be directed to 1131 N. Blue Gum Street. Coastkeeper believes that these are two addresses for the same facility – the Republic Facility.

<sup>5</sup> The facility listed on the 1992 and 1998 NOIs have the same WDID number as the Republic Facility, 000220.



*Distribution of Scrap and Waste Materials*) is handwritten on the 1998 NOI. Information available to Coastkeeper indicates that at some point after 7 June 2008, Republic Waste Services of Southern California, LLC became the owner and/or operator of the Republic Facility.

The Republic Facility Owners and/or Operators have discharged and continue to discharge pollutants unlawfully from the Republic Facility into the Receiving Waters. As explained herein, the Republic Facility Owners and/or Operators are liable for violations of the Storm Water Permit and the Clean Water Act.

**C. Storm Water Pollution, the Santa Ana River and the Pacific Ocean**

With every significant rainfall event, millions of gallons of polluted rainwater originating from industrial operations such as the Republic Facility pour into storm drains and area surface waters. The Republic Facility discharges to area storm drains which discharge to the Santa Ana River, which flows to the Pacific Ocean (collectively "Receiving Waters"). The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. This discharge of pollutants from industrial facilities contributes to the impairment of downstream waters and aquatic dependent wildlife. A water body is impaired if it is unable to support its beneficial uses.

Discharges of polluted storm water from waste transfer facilities can carry total organic carbon ("TOC"), oil and grease ("O&G"), specific conductance ("SC"), total suspended solids ("TSS"), aluminum, iron, lead, copper, zinc, nitrogen, phosphorus, chlorides, and nickel. Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, developmental, or reproductive harm. Discharges of polluted storm water to Orange County's surface waters pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

**II. The Republic Facility and Associated Discharges of Pollutants**

Information available to Coastkeeper indicates that the following industrial operations are conducted at the Republic Facility: (1) processing of paper products, plastics, metals, glass and other miscellaneous construction and demolition waste, green waste and wood waste; (2) compacting of waste before transport to local landfills; (3) collection of waste and trash from the public disposal area; (4) processing of green waste for fuel, compost and alternate daily cover for various landfills; (5) municipal solid waste ("MSW") processing – separating recyclables from the waste stream; (6) processing of commingled residential curbside waste; (7) baling of clean materials for shipment; and (8) shipping and receiving of commodities.

Sources of pollutants associated with the industrial activities at the Republic Facility include, but are not limited to: waste processing areas; compacting areas; public waste collection areas; green-waste processing areas; MSW processing areas; curbside waste processing areas; baling areas and shipping and receiving areas; vehicle and equipment maintenance areas; parking areas; loading and unloading areas; driveway areas; maintenance areas; the office building; and



the on-site material handling equipment such as forklifts and trucks. Information available to Coastkeeper also indicates that oil and grease, transmission and vehicle fluids (such as antifreeze and gasoline), trash and debris, and other pollutants have been and continue to be tracked throughout the Republic Facility. These pollutants accumulate at the storm water discharge points, the parking lot, and the driveways leading onto Coronado Street and N. Blue Gum Street. As a result, trucks and vehicles leaving the Republic Facility via staging areas and driveways track sediment, dirt, oil and grease, metal particles and other pollutants off-site.

The pollutants associated with operations at the Republic Facility include, but are not limited to: total organic carbon ("TOC"), oil and grease ("O&G"), specific conductance ("SC"), total suspended solids ("TSS"), aluminum, iron, lead, copper, zinc, nitrogen, phosphorus, chlorides, and nickel, fuel and fuel additives, battery fluids, coolant, pH-affecting substances, fugitive and other dust, dirt, and debris. The Republic Facility Owners and/or Operators' failure to properly address pollutant sources and pollutants results in the exposure of pollutants associated with their industrial activities to precipitation, and results in the discharge of polluted storm water from the Republic Facility into Receiving Waters in violation of the Storm Water Permit.

Information available to Coastkeeper indicates there are at least two (2) discharge points at the Republic Facility. One discharge point is located at the Republic Facility's driveway off of Coronado Street. The second discharge point is located at the rear of the Republic Facility – where the Facility drains into a v-ditch that runs along the freeway.

The Republic Facility Owners and/or Operators have not properly developed and/or implemented the required best management practices ("BMPs") to address pollutant sources, to prevent the exposure of pollutants to storm water, and to prevent the subsequent discharge of polluted storm water from the Republic Facility during rain events. Consequently, during rain events, storm water carries pollutants from the Republic Facility's uncovered operations areas, processing areas, shipping and receiving areas, maintenance areas, contaminated ground and floors, equipment, staging areas, sorting areas, parking lot, and other sources into the storm sewer system beneath Coronado Street and N. Blue Gum Street, which flows to the Receiving Waters. These illegal discharges negatively impact the Receiving Waters and Coastkeeper's members' use and enjoyment of the Receiving Waters.

### **III. Violations of the Clean Water Act and the Storm Water Permit**

In California, any person that discharges storm water associated with industrial activity must comply with the terms of the Storm Water Permit in order to lawfully discharge pollutants. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1); Storm Water Permit, Fact Sheet at VII.



**A. Discharges of Polluted Storm Water from the Republic Facility in Violation of Effluent Limitation B (3) of the Storm Water Permit**

Effluent Limitation (B)(3) of the Storm Water Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve best available technology economically achievable (“BAT”) for toxic pollutants<sup>6</sup> and best conventional pollutant control technology (“BCT”) for conventional pollutants.<sup>7</sup> EPA Benchmarks are relevant and objective standards for evaluating whether a permittee’s BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Storm Water Permit.<sup>8</sup>

Storm water sampling at the Republic Facility demonstrates that the storm water discharges from the Republic Facility contain concentrations of pollutants above the EPA Benchmarks. Based on information currently available, the following are examples of the levels and types of violations that occur at the Republic Facility:

Sampling Done by Coastkeeper<sup>9</sup>:  
2011-2012 Wet Season

Date of Sample	Sample Location	Constituent	EPA Benchmark	Sample Value	Percent Exceedance
10/5/2011	Coronado Street Driveway	Copper	0.0123	0.031	252
10/5/2011	Coronado Street Driveway	Zinc	0.12	0.22	183
10/5/2011	Back-side of Facility	Copper	0.0123	0.048	390
10/5/2011	Back-side of Facility	Zinc	0.12	0.3	250
12/12/2011	Coronado Street Driveway	TSS	100	160	160
12/12/2011	Coronado Street Driveway	Copper	0.0123	0.028	227
12/12/2011	Coronado Street Driveway	Zinc	0.12	0.21	175
12/12/2011	Back-side of	O&G	15	20	133

<sup>6</sup> Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

<sup>7</sup> Conventional pollutants are listed at 40 C.F.R. § 401.16 and include total suspended solids, oil and grease, pH, and fecal coliform.

<sup>8</sup> See *United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009 (“Multi-Sector Permit”), Fact Sheet at 106; see also, 65 Federal Register 64839 (2000).

<sup>9</sup> EPA Benchmark Values for all constituents are measured in units of mg/L, except for SC, which is measured in umhos/cm.



12/12/2011	Facility Back-side of Facility	TSS	100	610	610
12/12/2011	Facility Back-side of Facility	Copper	0.0123	0.074	601
12/12/2011	Facility Back-side of Facility	Zinc	0.12	0.46	383

Sampling Done by Republic Facility Owners and/or Operators:  
2010-2011 Wet Season

Date of Sample	Sample Location	Constituent	EPA Benchmark	Sample Value	Percent Exceedance
10/19/2010	MP-1	SC	200	500	250
10/19/2010	MP-1	TSS	100	834	834
10/19/2010	MP-1	Aluminum	0.75	16.9	2253
10/19/2010	MP-1	Iron	1	26.4	2640
10/19/2010	MP-1	Lead	0.0816	0.11	135
10/19/2010	MP-1	Zinc	0.12	1	833
10/19/2010	MP-2	TSS	100	113	113
10/19/2010	MP-2	Aluminum	0.75	1.91	254
10/19/2010	MP-2	Iron	1	2.97	297
10/19/2010	MP-2	Copper	0.0123	0.0264	214
10/19/2010	MP-2	Zinc	0.12	0.172	143

Only sample locations "MP-1" and MP-2" were sampled during the 2009-2010 Wet Season.

2008-2009 Wet Season

Date of Sample	Sample Location	Constituent	EPA Benchmark	Sample Value	Percent Exceedance
12/15/2008	MRF-S	TSS	100	440	440
12/15/2008	MRF-S	Aluminum	0.75	6.5	866
12/15/2008	MRF-S	Iron	1	12	1200
12/15/2008	MRF-S	Copper	0.0123	0.077	626
12/15/2008	MRF-S	Zinc	0.12	0.43	358
12/15/2008	MRF-N	O&G	15	21	140
12/15/2008	MRF-N	TSS	100	330	330
12/15/2008	MRF-N	Aluminum	0.75	8.1	1080
12/15/2008	MRF-N	Iron	1	11	1100
12/15/2008	MRF-N	Copper	0.0123	0.21	1707
12/15/2008	MRF-N	Zinc	0.12	0.8	666
12/15/2008	ATD	O&G	15	21	140
12/15/2008	ATD	TSS	100	570	570
12/15/2008	O+M	O&G	15	22	146
12/15/2008	O+M	TSS	100	240	240



2/5/2009	MRF-S	O&G	15	22	146
2/5/2009	MRF-S	SC	200	270	135
2/5/2009	MRF-S	TSS	100	200	200
2/5/2009	MRF-S	Aluminum	0.75	4	533
2/5/2009	MRF-S	Iron	1	7	700
2/5/2009	MRF-S	Copper	0.0123	0.063	512
2/5/2009	MRF-S	Zinc	0.12	0.28	233
2/5/2009	MRF-N	SC	200	340	170
2/5/2009	MRF-N	Aluminum	0.75	1.7	226
2/5/2009	MRF-N	Iron	1	2.5	250
2/5/2009	MRF-N	Copper	0.0123	0.068	553
2/5/2009	MRF-N	Zinc	0.12	0.25	208
2/5/2009	ATD	SC	200	280	140
2/5/2009	O+M	O&G	15	28	186
2/5/2009	O+M	SC	200	370	185
2/5/2009	O+M	TSS	100	150	150

The samples taken on 15 December 2008 and 5 February 2009 at discharge points "ATD" and "O+M" were not analyzed for aluminum, iron, lead, copper, or zinc.

#### 2007-2008 Wet Season

Date of Sample	Sample Location	Constituent	EPA Benchmark	Sample Value	Percent Exceedance
1/4/2008	MRF-S	SC	200	370	185
1/4/2008	MRF-S	Copper	0.0123	0.036	290
1/4/2008	MRF-S	Zinc	0.12	0.15	125
1/4/2008	MRF-N	SC	200	350	175
1/4/2008	MRF-N	TSS	100	310	310
1/4/2008	MRF-N	Aluminum	0.75	2.1	280
1/4/2008	MRF-N	Iron	1	3.7	370
1/4/2008	MRF-N	Copper	0.0123	0.051	414
1/4/2008	MRF-N	Zinc	0.12	0.27	225
1/4/2008	ATD	O&G	15	17	113
1/4/2008	ATD	SC	200	320	160
1/4/2008	O+M	O&G	15	41	273
1/4/2008	O+M	SC	200	1700	850
1/4/2008	O+M	TSS	100	1100	1100
1/23/2008	MRF-S	Aluminum	0.75	1.1	146
1/23/2008	MRF-S	Iron	1	1.8	180
1/23/2008	MRF-S	Copper	0.0123	0.023	187
1/23/2008	MRF-S	Zinc	0.12	0.13	108
1/23/2008	MRF-N	TSS	100	240	240
1/23/2008	MRF-N	Aluminum	0.75	2.1	280
1/23/2008	MRF-N	Iron	1	3.1	310



1/23/2008	MRF-N	Copper	0.0123	0.043	350
1/23/2008	MRF-N	Zinc	0.12	0.29	241
1/23/2008	ATD	O&G	15	17	113
1/23/2008	O+M	O&G	15	25	166
1/23/2008	O+M	SC	200	310	155
1/23/2008	O+M	TSS	100	240	240

The samples taken on 4 and 23 January 2008 at discharge points "ATD" and "O+M" were not analyzed for aluminum, iron, lead, copper, or zinc.

#### 2006-2007 Wet Season

Date of Sample	Sample Location	Constituent	EPA Benchmark	Sample Value	Percent Exceedance
4/20/2007	MRF-S	TSS	100	210	210
4/20/2007	MRF-S	Aluminum	0.75	4.3	573
4/20/2007	MRF-S	Iron	1	7	700
4/20/2007	MRF-S	Copper	0.0123	0.053	431
4/20/2007	MRF-S	Zinc	0.12	0.42	350
4/20/2007	MRF-N	SC	200	970	485
4/20/2007	MRF-N	TSS	100	300	300
4/20/2007	MRF-N	Aluminum	0.75	5.4	720
4/20/2007	MRF-N	Iron	1	9.7	970
4/20/2007	MRF-N	Copper	0.0123	0.1	813
4/20/2007	MRF-N	Zinc	0.12	0.37	308
4/20/2007	ATD	O&G	15	23	153
4/20/2007	ATD	SC	200	340	170
4/20/2007	ATD	TSS	100	550	550
4/20/2007	O+M	O&G	15	17	113
4/20/2007	O+M	SC	200	250	125

The samples taken on 20 April 2007 at discharge points "ATD" and "O+M" were not analyzed for aluminum, iron, lead, copper, or zinc.

#### 2005-2006 Wet Season

Date of Sample	Sample Location	Constituent	EPA Benchmark	Sample Value	Percent Exceedance
2/27/2006	MRF-S	Aluminum	0.75	1.4	186
2/27/2006	MRF-S	Iron	1	2.1	210
2/27/2006	MRF-S	Copper	0.0123	0.035	284
2/27/2006	MRF-S	Zinc	0.12	0.31	258
2/27/2006	MRF-N	SC	200	700	350
2/27/2006	MRF-N	TSS	100	130	130
2/27/2006	MRF-N	Aluminum	0.75	3	400
2/27/2006	MRF-N	Iron	1	4.6	460
2/27/2006	MRF-N	Copper	0.0123	0.06	488

2/27/2006	MRF-N	Zinc	0.12	0.33	275
2/27/2006	O+M	O&G	15	18	120
3/3/2006	MRF-S	Aluminum	0.75	1.3	173
3/3/2006	MRF-S	Iron	1	1.9	190
3/3/2006	MRF-N	TSS	100	230	230
3/3/2006	MRF-N	Aluminum	0.75	5.5	733
3/3/2006	MRF-N	Iron	1	7.8	780
3/3/2006	MRF-N	Copper	0.0123	0.26	2103
3/3/2006	MRF-N	Zinc	0.12	0.38	316
3/3/2006	ATD	TSS	100	110	110

The samples taken on 26 February and 3 March 2006 at discharge points "ATD" and "O+M" were not analyzed for aluminum, iron, lead, copper, or zinc.

#### 2004-2005 Wet Season

Date of Sample	Sample Location	Constituent	EPA Benchmark	Sample Value	Percent Exceedance
1/26/2005	MRF-S	SC (umhos/cm)	200	230	115
1/26/2005	MRF-S	Iron (mg/L)	1	1.05	105
1/26/2005	MRF-S	Copper (mg/L)	0.0123	0.028	227
1/26/2005	MRF-S	Zinc (mg/L)	0.12	0.214	178
1/26/2005	MRF-N	SC (mg/L)	200	1350	675
1/26/2005	MRF-N	Aluminum (mg/L)	0.75	1.49	198
1/26/2005	MRF-N	Iron (mg/L)	1	2.42	242
1/26/2005	MRF-N	Copper (mg/L)	0.0123	0.062	504
2/17/2005	MRF-S	TSS (mg/L)	100	170	170
2/17/2005	MRF-S	Aluminum (mg/L)	0.75	2.27	302
2/17/2005	MRF-S	Iron (mg/L)	1	4.43	443
2/17/2005	MRF-S	Copper (mg/L)	0.0123	0.034	276
2/17/2005	MRF-S	Zinc (mg/L)	0.12	0.503	419
2/17/2005	MRF-N	SC (umhos/cm)	200	919	459
2/17/2005	MRF-N	Aluminum (mg/L)	0.75	1.76	234
2/17/2005	MRF-N	Iron (mg/L)	1	2.58	258
2/17/2005	MRF-N	Copper (mg/L)	0.0123	0.056	455
2/17/2005	MRF-N	Zinc (mg/L)	0.12	0.184	153

The samples taken on 15 December 2008 and 5 February 2009 at discharge points "ATD" and "O+M" were not analyzed for aluminum, iron, lead, copper, or zinc.

Of the 38 samples that Coastkeeper reviewed, all but two samples contained pollutants at levels in exceedance of EPA Benchmarks. The two samples that did not contain exceedances were not analyzed for all metals. These repeated and significant exceedances of EPA Benchmarks demonstrate that the Republic Facility Owners and/or Operators have failed to develop and/or implement BMPs at the Republic Facility that achieve compliance with the BAT/BCT standards.



Information available to Coastkeeper indicates that the storm water discharges from the Republic Facility violate Effluent Limitation B(3) of the Storm Water Permit during each significant rain event, dates of which are identified in Exhibit A attached hereto.<sup>10</sup> Each time the Republic Facility Owners and/or Operators discharge polluted storm water in violation of Effluent Limitation (B)(3) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). These violations are ongoing and will continue each time the Republic Facility Owners and/or Operators discharge polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. These discharge violations are ongoing and Coastkeeper will update the number and dates of violation when additional information and data becomes available. The Republic Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since May 18, 2007.

**B. Discharges of Polluted Storm Water in Violation of Receiving Water Limitations C(1) and C(2) of the Storm Water Permit**

Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface water or groundwater that adversely impacts human health or the environment. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Receiving Water Limitation C(2) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable water quality standard(s) ("WQS").<sup>11</sup> Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act.<sup>12</sup>

As explained below, the Republic Facility Owners and/or Operators have failed to collect storm water samples with the frequency required by the Storm Water Permit. However, the available data demonstrates the Republic Facility's storm water discharges contain elevated concentrations of pollutants such as lead, copper and zinc, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Santa Ana River. Storm water sampling at the Republic Facility also demonstrates that the discharges contain concentrations of pollutants that cause or contribute to violations of applicable WQS. Based on information currently available, the following are examples of the levels and types of violations that occur at the Republic Facility:

---

<sup>10</sup> A significant rain event is an event that produces storm water runoff, which according to the United States Environmental Protection Agency occurs with 0.1 inches or more of precipitation.

<sup>11</sup> Water Quality Standards are pollutant concentration levels determined by the State Water Resources Control Board and the EPA to be protective of the beneficial uses of the receiving waters. Discharges above Water Quality Standards contribute to the impairment of the receiving waters' beneficial uses. Applicable Water Quality Standards include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR").

<sup>12</sup> WQS for certain pollutants, including copper and zinc, are hardness dependent. See 40 C.F.R. § 131.38.

Sampling Done by Coastkeeper<sup>13</sup>:  
 2011-2012 Wet Season

Date of Sample	Sample Location	Constituent	WQS	Sample Value	Percent Exceedance
10/5/2011	Coronado Street Driveway	Lead	0.0025	0.012	480
10/5/2011	Coronado Street Driveway	Copper	0.009	0.031	344
10/5/2011	Coronado Street Driveway	Zinc	0.12	0.22	183
10/5/2011	Back-side of Facility	Lead	0.0025	0.029	1160
10/5/2011	Back-side of Facility	Copper	0.009	0.048	533
10/5/2011	Back-side of Facility	Zinc	0.12	0.3	250
12/12/2011	Coronado Street Driveway	Lead	0.0025	0.012	480
12/12/2011	Coronado Street Driveway	Copper	0.009	0.028	311
12/12/2011	Coronado Street Driveway	Zinc	0.12	0.21	175
12/12/2011	Back-side of Facility	Lead	0.0025	0.05	2000
12/12/2011	Back-side of Facility	Copper	0.009	0.074	822
12/12/2011	Back-side of Facility	Zinc	0.12	0.46	385

Sampling Done by Republic Facility Owners and/or Operators:  
 2010-2011 Wet Season

Date of Sample	Sample Location	Constituent	WQS	Sample Value	Percent Exceedance
10/19/2010	MP-1	Lead	0.0025	0.11	4400
10/19/2010	MP-1	Copper	0.009	0.01	111
10/19/2010	MP-1	Zinc	0.12	1	833
10/19/2010	MP-2	Lead	0.0025	0.0118	472
10/19/2010	MP-2	Copper	0.009	0.0264	293
10/19/2010	MP-2	Zinc	0.12	0.172	143

No samples were reported at discharge points "ATD" or "O+M".

<sup>13</sup> WQS Values for all constituents are measured in units of mg/L.



2008-2009 Wet Season

Date of Sample	Sample Location	Constituent	WQS	Sample Value	Percent Exceedance
12/15/2008	MRF-S	Lead	0.0025	0.04	1600
12/15/2008	MRF-S	Copper	0.009	0.077	855
12/15/2008	MRF-S	Zinc	0.12	0.43	358
12/15/2008	MRF-N	Lead	0.0025	0.041	1640
12/15/2008	MRF-N	Copper	0.009	0.21	233
12/15/2008	MRF-N	Zinc	0.12	0.8	666
2/5/2009	MRF-S	Lead	0.0025	0.028	1120
2/5/2009	MRF-S	Copper	0.009	0.063	700
2/5/2009	MRF-S	Zinc	0.12	0.28	233
2/5/2009	MRF-N	Lead	0.0025	0.0075	300
2/5/2009	MRF-N	Copper	0.009	0.068	755
2/5/2009	MRF-N	Zinc	0.12	0.25	208

The samples taken on 15 December 2008 and 5 February 2009 at discharge points "ATD" and "O+M" were not analyzed for aluminum, iron, lead, copper, or zinc.

2007-2008 Wet Season

Date of Sample	Sample Location	Constituent	WQS	Sample Value	Percent Exceedance
1/4/2008	MRF-S	Copper	0.009	0.036	400
1/4/2008	MRF-S	Zinc	0.12	0.15	125
1/4/2008	MRF-N	Lead	0.0025	0.014	560
1/4/2008	MRF-N	Copper	0.009	0.051	566
1/4/2008	MRF-N	Zinc	0.12	0.27	225
1/4/2008	ATD	pH	6.44	6.5-8.5	N/A
1/4/2008	O+M	pH	6.28	6.5-8.5	N/A
1/23/2008	MRF-S	Copper	0.009	0.023	255
1/23/2008	MRF-S	Zinc	0.12	0.13	108
1/23/2008	MRF-N	Lead	0.0025	0.02	800
1/23/2008	MRF-N	Copper	0.009	0.043	477
1/23/2008	MRF-N	Zinc	0.12	0.29	241

The samples taken on 4 and 23 January 2008 at discharge points "ATD" and "O+M" were not analyzed for aluminum, iron, lead, copper, or zinc.

2006-2007 Wet Season

Date of Sample	Sample Location	Constituent	WQS	Sample Value	Percent Exceedance
4/20/2007	MRF-S	Lead	0.0025	0.031	1240
4/20/2007	MRF-S	Copper	0.009	0.053	589
4/20/2007	MRF-S	Zinc	0.12	0.42	350
4/20/2007	MRF-N	Lead	0.0025	0.026	1040

4/20/2007	MRF-S	Copper	0.009	0.1	1111
4/20/2007	MRF-S	Zinc	0.12	0.37	308

The samples taken on 20 April 2007 at discharge points "ATD" and "O+M" were not analyzed for aluminum, iron, lead, copper, or zinc.

#### 2005-2006 Wet Season

Date of Sample	Sample Location	Constituent	WQS	Sample Value	Percent Exceedance
2/27/2006	MRF-S	Lead	0.0025	0.017	680
2/27/2006	MRF-S	Copper	0.009	0.035	389
2/27/2006	MRF-S	Zinc	0.12	0.31	258
2/27/2006	MRF-N	Copper	0.009	0.06	666
2/27/2006	MRF-N	Zinc	0.12	0.33	275
2/27/2006	O+M	pH	6.4	6.5-8.5	N/A
3/3/2006	MRF-S	pH	6.11	6.5-8.5	N/A
3/3/2006	MRF-N	Copper	0.009	0.26	2889
3/3/2006	MRF-N	Zinc	0.12	0.38	316

The samples taken on 27 February and 3 March 2006 at discharge points "ATD" and "O+M" were not analyzed for aluminum, iron, lead, copper, or zinc.

#### 2004-2005 Wet Season

Date of Sample	Sample Location	Constituent	WQS	Sample Value	Percent Exceedance
2/26/2005	MRF-S	Copper	0.009	0.028	311
2/26/2005	MRF-S	Zinc	0.12	0.214	178
2/26/2005	MRF-N	Lead	0.0025	0.008	320
2/26/2005	MRF-N	Copper	0.009	0.062	689
2/17/2005	MRF-S	Lead	0.0025	0.02	800
2/17/2005	MRF-S	Copper	0.009	0.034	377
2/17/2005	MRF-S	Zinc	0.12	0.503	419
2/17/2005	MRF-N	pH	6.42	6.5-8.5	N/A
2/17/2005	MRF-N	Lead	0.0025	0.013	520
2/17/2005	MRF-N	Copper	0.009	0.056	622
2/17/2005	MRF-N	Zinc	0.12	0.184	153

Of the 24 samples that were tested for lead, copper, and zinc, all but five samples contained levels of pollutants in exceedance of WQS. Only one such sample did not contain any WQS violations. Thus, the sampling of storm water discharges from the Republic Facility demonstrates consistent and ongoing violations of both Receiving Water Limitation C(1) and Receiving Water Limitation C(2).

Information available to Coastkeeper indicates that the storm water discharges from the Republic Facility violate Receiving Water Limitations C(1) and/or C(2) during each significant



rain event, dates of which are identified in Exhibit A. These discharge violations are ongoing and Coastkeeper will update the number and dates of violation when additional information becomes available. Each time discharges of storm water from the Republic Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). Each time discharges of storm water from the Republic Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). These violations are ongoing, and will continue each time contaminated storm water is discharged in violation of the Receiving Water Limitations of the Storm Water Permit. The Republic Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since May 18, 2007.

**C. Failure to Implement and/or Revise an Adequate Storm Water Pollution Prevention Plan**

Section A(1) and Provision E(2) of the Storm Water Permit requires dischargers to have developed and implemented a Storm Water Pollution Prevention Plan ("SWPPP") by 1 October 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from industrial activities, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. Storm Water Permit, Section A(2). These BMPs must achieve compliance with the Storm Water Permit's Effluent Limitations and Receiving Water Limitations. To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9). The SWPPP must also be revised as necessary to ensure compliance with the Storm Water Permit. *Id.*, Sections A(9) and (10).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other things, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Section A(4)); a list of significant materials handled and stored at the site (*see* Section A(5)); and, a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur, (*see* Section A(6)). Sections A(7) and (8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.



Information available to Coastkeeper indicates that the Republic Facility Owners and/or Operators have been conducting operations at the Republic Facility with an inadequately developed and/or implemented SWPPP. The Republic Facility Owners and/or Operators have failed and continue to fail to develop and/or implement a SWPPP that contains adequate BMPs to prevent the exposure of pollutant sources to storm water, and adequate BMPs to prevent the subsequent discharge of polluted storm water from the Republic Facility. When seeking Storm Water Permit coverage the Republic Facility Owners and/or Operators failed to develop a site map that includes the information required by the Storm Water Permit, such as the location of all discharge points. The Republic Facility Owners and/or Operators have not revised the inadequately developed site map. These failures are violations of Sections A(9) and (10) of the Storm Water Permit.

The Republic Facility Owners and/or Operators have failed to adequately develop, implement, and/or revise a SWPPP that meets the requirements of the Storm Water Permit, in violation of Section A and Provision E(2) of the Storm Water Permit. Every day the Republic Facility operates with an inadequately developed, implemented, and/or properly revised SWPPP is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Republic Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's SWPPP requirements since at least May 18, 2007. These violations are ongoing, and Coastkeeper will include additional violations when information becomes available. The Republic Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since May 18, 2007.

**D. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program**

Section B(1) and Provision E(3) of the Storm Water Permit require facility operators to develop and implement an adequate Monitoring and Reporting Program ("M&RP") by 1 October 1992 or prior to the commencement of industrial activities at a facility that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). The M&RP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility, and are evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *Id.*

Sections B(3) through B(16) of the Storm Water Permit set forth the M&RP requirements. Specifically, Section B(3) requires dischargers to conduct quarterly visual observations of all drainage areas within their facility for the presence of authorized and unauthorized non-storm water discharges. Section B(4) requires dischargers to conduct visual observations of storm water discharges from one (1) storm event per month during the Wet Season (defined as October 1-May 30) at each discharge point. Sections B(3) and (4) further require dischargers to document the presence of any floating or suspended material, oil and grease, discolorations, turbidity, odor and the source of any pollutants in any such discharges.



Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. Storm Water Permit, Sections B(3) and (4). Dischargers must also revise the SWPPP to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. *Id.*, Section B(4).

Sections B(5) and (7) of the Storm Water Permit require dischargers to visually observe and collect samples of storm water discharges from all locations where storm water is discharged. As of the 2008-2009 Wet Season, the Republic Facility is a member of the Republic Services, Inc. Storm Water Group, and thus the Republic Facility Owners and/or Operators must comply with the group monitoring provisions set forth in Section B(15) of the Storm Water Permit. Under Section B(15) of the Storm Water Permit, the Republic Facility Owners and/or Operators are required to collect at least two (2) samples from each discharge location at the Republic Facility over a five (5) year period. *See* Storm Water Permit, Section B(5), B(7), and B(15).

Information available to Coastkeeper indicates that the Republic Facility Owners and/or Operators have been conducting operations at the Facility either without a site specific M&RP, or with an inadequately developed and/or implemented M&RP.

Information available to Coastkeeper indicates that the Republic Facility Owners and/or Operators have failed to collect two (2) samples from each of the Facility's two (2) discharge points over the past five (5) years, as required by Section B(15) of the Permit. While the Republic Facility Owners and/or Operators did sample twice during the 2007-2008 and 2008-2009 Wet Seasons, only four (4) discharge points was sampled during each year. Information available to Coastkeeper indicates that the Republic Facility Owners and/or Operators have failed to perform the required visual inspections of each discharge point for unauthorized non-storm water discharges on a quarterly basis, as required by Section B(3) of the Storm Water Permit.

Information available to Coastkeeper indicates that over the past five (5) years, the Republic Facility Owners and/or Operators failed to take visual observations of storm water discharges from one (1) storm event per month during the Wet Season at each discharge point, as required by Section B(4) of the Storm Water Permit. Over the past five (5) years the Republic Facility Owners and/or Operator could have, but did not, conduct visual observations of storm water discharges from each discharge point as required by the Storm Water Permit. Because the Republic Facility Owners and/or Operators failed to take visual observations of storm water discharges as required during these months, they also failed to document the presence of any floating or suspended material, oil and grease, discolorations, turbidity, odor or the source of any pollutants in the storm water discharges, in violation of Section B(4) of the Storm Water Permit.

Section B(5)(c) of the Storm Water Permit requires the Republic Owners and/or Operators to analyze their storm water samples for TSS, pH, SC and TOC or O&G. Table D of the Storm Water Permit requires facilities with a SIC Code of 5093 to test samples for TSS, iron,



lead, aluminum, copper, zinc and Chemical Oxygen Demand ("COD")<sup>14</sup>. See Section B(5)(c)(iii) and Table D. The Republic Facility Owners and/or Operators, however, failed to analyze all of its storm water samples for aluminum, iron, lead, copper, and zinc, as required by the Storm Water Permit. Thus, the Republic Facility Owners and/or Operators have failed and continue to fail to sample and report as required by the Storm Water Permit.

The Republic Facility Owners' and/or Operators' failure to conduct sampling, monitoring, and reporting as required by the Storm Water Permit demonstrates that they have failed to develop, implement and/or revise an M&RP that complies with the requirements of Section B and Provision E(3) of the Storm Water Permit. Every day that the Republic Facility Owners and/or Operators conduct operations in violation of the specific monitoring and reporting requirements of the Storm Water Permit, or with an inadequately developed and/or implemented M&RP, is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Republic Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's M&RP requirements every day since at least May 18, 2007. These violations are ongoing, and Coastkeeper will include additional violations when information becomes available. The Republic Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since May 18, 2007.

**E. Failure to Comply with the Storm Water Permit's Reporting Requirements**

Section B(14) of the Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. Section B(14) requires that the Annual Report include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling results, the laboratory reports of sample analyses, the annual comprehensive site compliance evaluation report, an explanation of why a permittee did not perform any activities required, and other information specified in Section B(13). See Storm Water Permit, Section B(14).

Since at least July 1, 2007, the Republic Facility Owners and/or Operators have failed to submit Annual Reports that comply with the Storm Water Permit reporting requirements, including filing incomplete Annual Reports that do not provide the required information. For example, the Annual Reports for the 2006-2007, 2007-2008, 2008-2009, 2009-2010, and 2010-2011 Wet Seasons indicate that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. However, information available to Coastkeeper including a review of the Regional Board's files, and the Republic Facility Owners' and/or Operators' storm water sampling data indicates that the certification is erroneous. The Republic Owners and/or Operators have not developed and/or implemented required BMPs, or revised the SWPPP. These failures result in the ongoing discharge of storm water containing pollutant levels in violation of the Storm Water Permit limitations.

---

<sup>14</sup> Starting with the Annual Report for 2009-2010 SIC Code 5093 was added to SIC Code 4953.



The Republic Facility Owners' and/or Operators' Annual Reports also fail to provide the explanations required by the Storm Water Permit when there is non-compliance with the Storm Water Permit's terms. Even though the Republic Facility Owners and/or Operators certify in the Annual Reports that it has performed an annual comprehensive site compliance evaluation (including reviewing its SWPPP, updating the site map, and reviewing BMPs) and certify that the Republic Facility is in compliance with the Storm Water Permit, the Republic Facility's sampling results still indicate its discharges violate the Storm Water Permit's Effluent Limitations and Receiving Water Limitations. Further, the Republic Facility Owners and/or Operators have submitted multiple incomplete Annual Reports that leave out required information. For instance, in the 2009-2010 Annual Report, the reported number of discharge points dropped from four to two, and no explanation was given. The Annual Reports submitted for the 2009-2010 Wet Season and the 2010-2011 Wet Season were not signed.

Finally, the Storm Water Permit requires a permittee whose discharge exceeds receiving water quality standards to submit a written report identifying what additional BMPs will be implemented to achieve water quality standards. Storm Water Permit, Receiving Water Limitations C(3) and C(4). Information available to Coastkeeper indicates that the Republic Facility Owners and/or Operators have failed to submit the reports required by Receiving Water Limitations C(3) and C(4) of the Storm Water Permit. As such, the Republic Facility Owners and/or Operators are in daily violation of this requirement of the Storm Water Permit.

Each of the failures to report as required discussed above is a violation of the Storm Water Permit, and indicates a continuous and ongoing failure to comply with the Storm Water Permit's reporting requirements.

Every day the Republic Facility Owners and/or Operator operates the Republic Facility without reporting as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Republic Facility Owners and/or Operator have been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least May 18, 2007. These violations are ongoing. The Republic Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since May 18, 2007.

#### **IV. Relief and Penalties Sought for Violations of the Clean Water Act**

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five (5) years prior to the date of a notice of intent to file suit letter. These provisions of law authorize civil penalties of up to \$32,500 per day per violation for all Clean Water Act violations between March 15, 2004 and January 12, 2009, and \$37,500 per day per violation for all Clean Water Act violations after January 12, 2009. In addition to civil penalties, Coastkeeper will seek injunctive relief preventing further violations of the Clean Water Act

pursuant to Sections 505(a) and (d), 33 U.S.C. §1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Coastkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

**V. Conclusion**

Upon expiration of the 60-day notice period, Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the Republic Facility Owners' and/or Operators' violations of the Storm Water Permit. During the 60-day notice period, however, Coastkeeper is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions, please contact Coastkeeper. Please direct all communications to Coastkeeper's legal counsel:

Daniel Cooper  
Daniel@lawyersforcleanwater.com  
Lawyers for Clean Water, Inc.  
1004-A O'Reilly Avenue  
San Francisco, California 94129  
Tel: (415) 440-6520

Sincerely,

A handwritten signature in cursive script that reads "Garry Brown".

Garry Brown  
Executive Director  
Orange County Coastkeeper



**SERVICE LIST**

**VIA U.S. MAIL**

Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Tom Howard  
Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812-0100

Jared Blumenfeld  
Regional Administrator  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Kurt Berchtold  
Executive Officer  
Santa Ana Regional Water Quality Control Board  
3737 Main Street, Suite 500  
Riverside, California 92501-3348

**Exhibit A**  
**Dates with Greater than 0.1 Inches of Precipitation Reported**

<b>Date</b>	<b>Day of Week</b>	<b>Precipitation</b>
9/21/07	Friday	0.18
9/22/07	Saturday	0.54
10/13/07	Saturday	0.44
12/7/07	Friday	0.45
12/8/07	Saturday	0.1
12/18/07	Tuesday	0.38
12/19/07	Wednesday	0.26
1/4/08	Friday	0.83
1/5/08	Saturday	1.15
1/6/08	Sunday	1.09
1/23/08	Wednesday	0.68
1/25/08	Friday	0.27
1/26/08	Saturday	0.26
1/27/08	Sunday	0.54
1/28/08	Monday	0.38
2/3/08	Sunday	0.57
2/20/08	Wednesday	0.19
2/21/08	Thursday	0.12
2/22/08	Friday	0.44
5/22/08	Thursday	0.15
11/4/08	Tuesday	0.19
11/25/08	Tuesday	0.27
11/26/08	Wednesday	1.29
11/27/08	Thursday	0.12
12/15/08	Monday	2.76
12/17/08	Wednesday	0.94
12/22/08	Monday	0.26
12/25/08	Thursday	0.21
1/23/09	Friday	0.15
1/24/09	Saturday	0.44
2/5/09	Thursday	0.24
2/6/09	Friday	0.97
2/7/09	Saturday	0.33
2/8/09	Sunday	0.25
2/9/09	Monday	0.41
2/13/09	Friday	0.5
2/16/09	Monday	0.94
2/17/09	Tuesday	0.5
3/22/09	Sunday	0.15
10/14/09	Wednesday	1.07
12/7/09	Monday	0.88
12/11/09	Friday	0.26
12/12/09	Saturday	1.31
12/13/09	Sunday	0.17
1/13/10	Wednesday	0.1
1/17/10	Sunday	0.29
1/18/09	Monday	1.74
1/19/10	Tuesday	1.18
1/20/10	Wednesday	2.01
1/21/10	Thursday	1.41



**Exhibit A**  
**Dates with Greater than 0.1 Inches of Precipitation Reported**

1/22/10	Friday	1.24
1/26/10	Tuesday	0.2
10/6/10	Wednesday	0.33
10/19/10	Tuesday	0.32
10/24/10	Sunday	0.12
10/25/10	Monday	0.3
10/30/10	Saturday	0.33
12/5/10	Sunday	0.4
12/6/10	Monday	0.1
12/17/10	Friday	0.59
12/18/10	Saturday	1.05
12/19/10	Sunday	2.62
12/20/10	Monday	2.15
12/21/10	Tuesday	1.43
12/22/10	Wednesday	2.02
12/25/10	Saturday	0.4
12/26/10	Sunday	0.12
12/29/10	Wednesday	1.21
1/2/11	Sunday	0.37
1/3/11	Monday	0.15
1/30/11	Sunday	0.14
2/16/11	Wednesday	0.23
2/18/11	Friday	0.5
2/19/11	Saturday	0.2
2/25/11	Friday	0.72
2/26/11	Saturday	1.06
3/20/11	Sunday	1.46
3/21/11	Monday	0.65
3/23/11	Wednesday	0.49
3/24/11	Thursday	0.15
3/25/11	Friday	0.37
4/24/11	Sunday	0.1
5/18/11	Wednesday	0.36
10/5/11	Wednesday	0.95
11/4/11	Friday	0.2
11/6/11	Sunday	0.17
11/12/11	Saturday	0.13
11/20/11	Sunday	0.11
11/21/11	Monday	0.39
12/12/11	Monday	0.77
1/21/12	Saturday	0.73
2/15/12	Wednesday	0.23
2/16/12	Thursday	0.24
3/17/12	Saturday	0.56
3/18/12	Sunday	0.13
3/25/12	Sunday	0.32
3/26/12	Monday	0.44
4/11/12	Wednesday	0.22
4/13/12	Friday	0.88
4/26/12	Thursday	0.2